

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-2407

DEWEY TOMBLIN,

Plaintiff - Appellant,

versus

JO ANNE B. BARNHART, Commissioner of Social
Security,

Defendant - Appellee.

Appeal from the United States District Court for the Southern
District of West Virginia, at Huntington. Robert C. Chambers,
District Judge. (CA-03-286-3)

Submitted: August 3, 2005

Decided: August 18, 2005

Before WILLIAMS and SHEDD, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Dewey Tomblin, Appellant Pro Se. Roxanne Andrews, SOCIAL SECURITY
ADMINISTRATION, Philadelphia, Pennsylvania, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Dewey Tomblin appeals the district court's order affirming the Commissioner of Social Security's decision to deny him Social Security Disability and Supplemental Security Income benefits. On appeal, Tomblin asserts that he was denied the right to counsel before the administrative law judge. Although Tomblin was represented by counsel in the district court, he did not raise this issue either before the administrative forum or the lower court.

It is well-settled law that issues raised for the first time on appeal generally are not considered by this court. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993) (holding that issues raised for the first time on appeal are generally waived absent exceptional circumstances); Pleasant Valley Hosp., Inc. v. Shalala, 32 F.3d 67, 70 (4th Cir. 1994) ("it is inappropriate for courts reviewing appeals of agency decisions to consider arguments not raised before the administrative agency involved"). Here, Tomblin submitted a counseled brief in the district court that did not raise this issue. Accordingly, we conclude that Tomblin has waived this claim. We therefore affirm the district court's order. Tomblin v. Barnhart, No. CA-03-286-3 (S.D. W. Va. Sept. 30, 2004). We dispense with oral argument because the facts and legal contentions are adequately presented in

the materials before the court and argument would not aid the decisional process.

AFFIRMED